

SENATE, No. 523

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Increases penalties for harboring or concealing a sex offender.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning harboring or concealing sex offenders and
2 amending N.J.S.2C:29-3.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.2C:29-3 is amended to read as follows:

8 2C:29-3. Hindering Apprehension or Prosecution.

9 a. A person commits an offense if, with purpose to hinder the
10 detention, apprehension, investigation, prosecution, conviction or
11 punishment of another for an offense or violation of Title 39 of the
12 New Jersey Statutes or a violation of chapter 33A of Title 17 of the
13 Revised Statutes he:

14 (1) Harbors or conceals the other;

15 (2) Provides or aids in providing a weapon, money,
16 transportation, disguise or other means of avoiding discovery or
17 apprehension or effecting escape;

18 (3) Suppresses, by way of concealment or destruction, any
19 evidence of the crime, or tampers with a witness, informant,
20 document or other source of information, regardless of its
21 admissibility in evidence, which might aid in the discovery or
22 apprehension of such person or in the lodging of a charge against
23 him;

24 (4) Warns the other of impending discovery or apprehension,
25 except that this paragraph does not apply to a warning given in
26 connection with an effort to bring another into compliance with
27 law;

28 (5) Prevents or obstructs, by means of force, intimidation or
29 deception, anyone from performing an act which might aid in the
30 discovery or apprehension of such person or in the lodging of a
31 charge against him;

32 (6) Aids such person to protect or expeditiously profit from an
33 advantage derived from such crime; or

34 (7) Gives false information to a law enforcement officer or a
35 civil State investigator assigned to the Office of the Insurance Fraud
36 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-
37 16).

38 **[The]** (a) Except as provided in subparagraph (b) of this
39 paragraph, the offense is a crime of the third degree if the conduct
40 which the actor knows has been charged or is liable to be charged
41 against the person aided would constitute a crime of the second
42 degree or greater, unless the actor is a spouse, parent or child of the
43 person aided, in which case the offense is a crime of the fourth
44 degree. The offense is a crime of the fourth degree if such conduct
45 would constitute a crime of the third degree. Otherwise it is a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 disorderly persons offense.

2 (b) The offense is a crime of the third degree and the actor shall
3 be sentenced to a minimum term of imprisonment of three years
4 without eligibility for parole if the actor harbored or concealed a
5 person who has been convicted, adjudicated delinquent or found not
6 guilty by reason of insanity for the commission of a sex offense. As
7 used in this subparagraph, "sex offense" has the meaning as defined
8 in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2).

9 b. A person commits an offense if, with purpose to hinder his
10 own detention, apprehension, investigation, prosecution, conviction
11 or punishment for an offense or violation of Title 39 of the New
12 Jersey Statutes or a violation of chapter 33A of Title 17 of the
13 Revised Statutes, he:

14 (1) Suppresses, by way of concealment or destruction, any
15 evidence of the crime or tampers with a document or other source of
16 information, regardless of its admissibility in evidence, which might
17 aid in his discovery or apprehension or in the lodging of a charge
18 against him; or

19 (2) Prevents or obstructs by means of force or intimidation
20 anyone from performing an act which might aid in his discovery or
21 apprehension or in the lodging of a charge against him; or

22 (3) Prevents or obstructs by means of force, intimidation or
23 deception any witness or informant from providing testimony or
24 information, regardless of its admissibility, which might aid in his
25 discovery or apprehension or in the lodging of a charge against him;
26 or

27 (4) Gives false information to a law enforcement officer or a
28 civil State investigator assigned to the Office of the Insurance Fraud
29 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-
30 16).

31 The offense is a crime of the third degree if the conduct which
32 the actor knows has been charged or is liable to be charged against
33 him would constitute a crime of the second degree or greater. The
34 offense is a crime of the fourth degree if such conduct would
35 constitute a crime of the third degree. Otherwise it is a disorderly
36 persons offense.

37 (cf: P.L.1999, c.297, s.1)

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill increases the penalties for harboring or concealing a sex
45 offender. Under the provisions of the bill, a violation of
46 N.J.S.2C:29-3, Hindering Apprehension or Prosecution, would
47 constitute a crime of the third degree, with a mandatory minimum
48 term of three years without eligibility for parole, if the person

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1 harbored or concealed a person who has been convicted,
2 adjudicated delinquent or found not guilty by reason of insanity for
3 the commission of a sex offense. A crime of the third degree is
4 punishable by imprisonment for three to five years, a fine of up to
5 \$15,000, or both.